

**CITY OF MORGAN HILL
JOINT SPECIAL AND REGULAR CITY COUNCIL
AND SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES - MARCH 2, 2005**

CALL TO ORDER

Mayor/Chairman Kennedy called the special meeting to order at 6:04 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Grzan, and Mayor/Chairman Kennedy
Late: Council/Agency Member Sellers (arrived at 6:09 p.m.)
Absent: Council/Agency Member Tate

DECLARATION OF POSTING OF AGENDA

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

City Council and Redevelopment Agency Action

CLOSED SESSIONS:

Acting City Attorney/Agency Counsel Siegel announced the below listed closed session items.

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority:	Government Code Sections 54956.9(b) & (c)
Number of Potential Cases:	4

OPPORTUNITY FOR PUBLIC COMMENT

Mayor/Chairman Kennedy opened the Closed Session items to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to Closed Session at 6:07 p.m.

Council/Agency Member Sellers arrived at 6:09 p.m. and joined the Council/Agency Board in closed session.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 7:10 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor/Chairman Kennedy announced that no reportable action was taken in closed session.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor/Chairman Kennedy, Police Lieutenant Terrie Booten led the Pledge of Allegiance.

RECOGNITIONS

Mayor Kennedy presented certificates of recognition to Jon Maxey, Jim Tarp and Bob Foster for the installation of lights at the Community and Cultural Center.

PROCLAMATIONS

Mayor Kennedy presented a proclamation to Jenny Fisher with the American Cancer Society declaring Morgan Hill as a Colon Cancer Free Zone. Announced was the American Cancer Society's Relay for Life to be held on May 21 and 22. It was encouraged that the City of Morgan Hill put a team together.

PRESENTATION

The presentation regarding the Water Resource Protection Collaborative by the Santa Clara Valley Water District was deferred to a future meeting.

California Highway Patrol Assistant Chief Dwight Cargins indicated that a 10851 Pin (Auto Theft) is presented to an officer for recovering a minimum of 12 stolen vehicles in a twelve month period, three of which have to have custody arrests. Assistant Chief Cargins stated that Police Sergeant Swing recovered 6 stolen vehicles in an eight month period which resulted in custody arrests.

INTRODUCTIONS

Council Services & Records Manager Torrez introduced recent hire Larry Talbot as the City's Government Access Technician.

CITY COUNCIL REPORT

Mayor Kennedy indicated that he has been serving as a member of the Valley Transportation Authority (VTA) Advisory Committee and as an alternate to the VTA Board of Directors. He stated that there has been a lot of attention given recently with respect to BART. He said that it is the City of Morgan Hill's position that services that benefit Morgan Hill such as Caltrain, and bus services, are adequately addressed in VTA's future plans. He stated that there was a recent memo sent from the Santa Clara

County Board of Supervisors suggesting that they conduct a study to look at different funding sources for BART and many other services that were part of Measure A. He indicated that Measure A was overwhelmingly passed by the voters in 2000 and that it included an extension of BART from Fremont to San Jose, looping back up to Santa Clara. It also included the expansion of Caltrain services, light rail extensions, improvements in the bus transit system, and other issues related to transit. He said that individuals who voted in support of Measure A want to ensure that BART is delivered. He stated that this continues to be his position. He said that there is some activity among VTA Board Members to see if they can come up with other ways to deliver Measure A projects. He announced that starting next week, Council Member Sellers would be moving into the position of the VTA Advisory Policy Advisory Committee member and that he (Mayor Kennedy) will be focusing his attention on the Board of Directors as an alternate member for the City of Morgan Hill.

CITY MANAGER REPORT

City Manager Tewes reported that the results of the monthly testing of the City's domestic water wells for February; indicating that all wells registered none detect for the chemical perchlorate.

CITY ATTORNEY REPORT

Acting City Attorney Siegel stated that he did not have a report to present this evening.

CITY COUNCIL SUBCOMMITTEE REPORTS

OTHER REPORTS

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to public comment for items not appearing on this evening's agenda.

B. Terry Mahurn said that last year the Santa Clara Valley Water District (SCVWD) raised water rates by 25%; noting that the rates increased from \$160 an acre foot to \$200 an acre foot. He indicated that he had a conversation about the rate increase with Public Works Director Ashcraft last summer. He inquired as to the services being provided by the SCVWD; indicating that he had the same conversation with Mr. Ashcraft's counter part in the City of Gilroy. Both advised that the Water District reads the meters on a regular basis and manage the groundwater and that no other services are provided by the Water District. If you look at what South County is being charged for the reservoir and ground water management, taking perchlorate off of the table, it is at a cost of \$7 million per year. He stated that he has met twice with Water District Board Member Rosemary Kamei and attended a Water District Board meeting asking for a breakdown of the \$7 million. He said that he received a partial, but incomplete answer. He inquired whether Mr. Ashcraft would be the authority on what is taking place in terms of the justification for the charges to residents or whether there was another staff member who could explain the rates as they are today in terms of the \$7 million for reservoir and groundwater management.

City Manager Tewes said that the responsibility for establishing the ground water extraction fee is the elected board of the Water District. He stated that the City of Morgan Hill' utility company has to pay the pump tax/extraction fee just as agricultural customers do, but at a higher rate for municipal customers. Therefore, the City of Morgan Hill has an interest in the components of the rate. City Staff recently made comments to the Board. As a result of City comments and comments made by others who have raised concerns, the Water District has decided not to move forward with a scheduled increase. He informed Mr. Mahurn that staff can give him as much information it has, but that this information comes from the Water District. However, the City of Morgan Hill shares the same interest in learning about sources and usage of the funds.

Mr. Mahurn stated that in the 18 years since the Central Valley project come through from the San Luis Reservoir, the groundwater rates have increased over 800%. He does not understand why the fees for managing ground water in South County have escalated to the extent that it has.

No further comments were offered.

City Council Action

CONSENT CALENDAR:

Action: *On a motion by Council Member Sellers and seconded by Council Member Grzan, the City Council, on a 4-0 vote with Mayor Pro Tempore Tate absent, **Approved** Consent Calendar Items 1-8 as follows:*

1. **CONSIDER REQUEST FROM THE CENTENNIAL MORGAN HILL COMMITTEE FOR FUNDING ASSISTANCE**
***Action:** **Appropriated** \$29,500 of RDA Funds to the Centennial Committee.*
2. **ESTABLISH APRIL 2005 AS THE MONTH TO INTERVIEW TO FILL VACANCIES ON THE LIBRARY AND PARKS & RECREATION COMMISSIONS**
***Action:** **Directed** Staff to Schedule Interviews in April to Fill Vacancies on the Library and Parks & Recreation Commissions.*
3. **ACCEPTANCE OF DONATION FOR THE COMMUNITY AND CULTURAL CENTER HOLIDAY LIGHTING**
***Action:** **Accepted** Donation of Labor and Parts through the Hometown Holidays of Morgan Hill, Inc. and Individuals Jim Tarp and Jon Maxey.*
4. **AMENDMENT TO CONTRACT PROVIDING PLAN CHECKING SERVICES ON AN AS-NEEDED BASIS**
***Action:** 1) **Approved** the Amendment to the Contract with Harris & Associates to Increase the Contract Amount by \$45,000; and 2) **Authorized** the City Manager to Execute the Contract Amendment, Subject to Review and Approval by the City Attorney.*

5. **AMENDMENT TO ANNUAL CONTRACT WITH REPUBLIC ELECTRIC FOR TRAFFIC SIGNAL MAINTENANCE**
Action: Approved the Amendment to the Agreement Dated July 7, 2004 with Signal Maintenance to Increase the Maximum Compensation from \$100,000 to \$145,000; Subject to Review and Approval by City Attorney.
6. **APPROVE PAYMENT TO GRANITE CONSTRUCTION FOR EXTRA WORK RELATIVE TO THE ANNUAL ASPHALT MAINTENANCE CONTRACT**
Action: Approved Payment in the Amount of \$21,245.75 to Granite Construction for Pothole Call-Outs in Excess of the Contracted Cost for Annual Pavement Repair.
7. **AWARD OF PROFESSIONAL SERVICES CONTRACT FOR THE PREPARATION OF AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR BUTTERFIELD BOULEVARD**
Action: Authorized the City Manager to Execute a Consultant Agreement for Preparation of an Addendum to the 1992 Environmental Impact Report (SEIR) with David J. Powers and Associates, Inc. for the Purpose of Extending Butterfield Boulevard South, From Tennant Avenue to Watsonville Road; Subject to Review and Approval by the City Attorney.
8. **SPECIAL CITY COUNCIL MEETING MINUTES OF FEBRUARY 16, 2005**
Action: Approved the Minutes as Written.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

Action: On a motion by Council/Agency Member Sellers and seconded by Council/Agency Member Grzan, the City Council/Agency Board unanimously (5-0) **Approved** Consent Calendar Item 9 as follows:

9. **JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 16, 2005**
Action: Approved the Minutes as Written.

City Council Action

PUBLIC HEARINGS:

10. **ZONING AMENDMENT, ZA-04-22: CITY OF MORGAN HILL-ACREAGE REQUIRED FOR ANIMALS – Ordinance No. 1714, New Series**

Director of Community Development Molloy Previsich presented the staff report, indicating that the City's current ordinance allows a maximum of livestock animal per acre. In order to exceed two animals, an animal use permit needs to be issued by the City Council, after recommendation by the

Planning Commission. She informed the Council that the current ordinance does not distinguish between the keeping of livestock for commercial uses versus personal or private use. She indicated that the Planning Commission recommends the following modifications: 1) allow the keeping of livestock animals in residential zoning districts for private use; 2) adding a definition for corrals and private use; and 3) that a maximum of 2 adult livestock, regardless of type, and their immature offspring, may be kept for the first 40,000 square feet of lot area and 1 additional adult livestock and immature offspring for each additional 20,000 square feet of lot area. However, livestock will need to be securely enclosed in a corral, setback 50 feet from property lines.

Council Member Sellers inquired whether it would be appropriate to talk about land in terms of acreage such as ½ acre, 1 acre, etc., versus 20,000 square foot (approximately ½ acre or 43,560 square feet approximately one acre).

Ms. Molloy Previsich felt that the previous ordinance was geared more toward ranching and livestock commercial uses with close scrutiny by the Planning Commission and Council in granting the use permits that were revocable. She stated that it is the intent of this ordinance to recognize that Morgan Hill is a rural environment and that there are a number of lots. Therefore, keeping of animals is not unusual. She said that it is not the intent to require a use permit for landowners who have greater than an acre to apply for a use permit for exceeding 2 adult animals for personal use.

City Manager Tewes noted that should the Council amend the animal ordinance, it would only be effective in the City limits. When property is brought into the City limits for residential purposes, the property is often subdivided into square feet rather than acre(s).

Ms. Molloy Previsich concurred that when land is subdivided, the City talks about the number of square feet per lot and not number of acres per lot.

Mayor Kennedy noted that the ordinance, as proposed, would allow a property owner with five acres to have 10 adult animals on the property.

Council Member Carr noted that the immature offspring of 10 adult animals would also be allowed in the five acre scenario.

Council Member Sellers inquired whether the 50 foot setback would impact the number of animals allowed.

Ms. Molloy Previsich stated that the City is not the regulatory agency for keeping of animals, but that the City regulates zoning. Therefore, the City can establish the number of animals allowed. She felt that there would be some level of reason that comes in with regard to how much space any type of animal would require. She said that the City would establish a maximum number of adult livestock that can be placed on a parcel and will establish the location of the corral/fencing that needs to occur. If there is over crowding or other issues taking place, there would be other mechanisms in place to address these concerns. She indicated that private use of livestock on residential parcels necessitates animals be kept 50 feet from the property line.

Mayor Kennedy opened the public hearing.

Mr. Dutra said that he has a 50-foot setback from the street and that a sidewalk is not in place in front of his residence. The area where he had the goats is all fenced; noting that there is a street that separates his home from his neighbors. He stated that he is well over 100 feet from the neighbors across the street. He said the goats were on an acre+ site. He indicated that the City received a complaint from the resident behind him who wanted to purchase a piece of his property to build a pool. He advised the resident that he could not split the property. He stated that he has had the goats on the property for over six years and never received a complaint. He noted that there is a piece of property on Monterey Road that has horses and cows five feet from the road. He indicated that he had the goats longer than the resident behind him has lived in her home. He understands that neighbors do not want the goats to rub against their fences. It was his belief that a five foot setback would be sufficient to prevent damage to fences. He informed the Council that his neighbors are willing to sign a petition to state that they want the goats back. He said that he would be willing to obtain a permit, if reasonable.

No further comments being offered, the public hearing was closed.

Council Member Carr stated that it was his understanding that Mr. Dutra did not apply for a permit to keep his five goats.

Ms. Molloy Previsich indicated that staff conducted research and found that a permit for the five goats had not been applied for.

City Manager Tewes informed the Council that the permit opportunity has always been available to Mr. Dutra, but that the Council requested that the Planning Commission consider expanding the number of animals allowed by right.

Ms. Molloy Previsich stated that there is some guidance in the existing ordinance that states that open enclosures, whether pasture land or corrals, shall not be 100 feet from the nearest school, church, hospital or dwelling used for human habitation other than the residence of the owner. There is also text that states that all open enclosures containing livestock, poultry, etc. shall be setback at least 30 feet from any traveled street.

Council Member Carr expressed concern that in the recommendation by the Planning Commission, it is making a one time situation worse. He felt that the City would be making this situation much more complicated and more difficult than it needs to be. He suggested that the Council forego the recommendation of the Planning Commission and state that the City has an existing process whereby Mr. Dutra can apply for a permit. He noted that no one has applied for a permit in 30 years.

Ms. Molloy Previsich stated that as part of the permit application, the Council would be called upon to make a finding that keeping of the additional livestock would not be detrimental to the health, safety, and welfare of the abutting properties.

Council Member Sellers shared the concern that by trying to solve the problem, the Council would be creating a much bigger one down the road. He said that there has been a desire to help in Mr. Dutra's situation. He noted that Mr. Dutra has had letters in support published in the Morgan Hill Times. He felt that there is good and bad associated with large animals (e.g., noise, smell, can cause dust and other issues). He said that there are a lot of public health and safety issues that need to be considered. He said that in order to move forward with the ordinance, he needs assurance that the City has come closer to addressing Mr. Dutra's valid issue and that the City is not making a situation worse.

Council Member Carr noted that the staff report states that staff could not find that an animal use permit has been issued in the past 30 years, the issue only arising with Mr. Dutra's situation. This resulted in the Council directing staff and the Planning Commission to research and create a new ordinance, one that is not very clear. He felt that the Council may be creating a situation that may be worse or more onerous than the existing ordinance. He felt that the permitting process that would allow more than 2 livestock animals per acre should remain flexible enough to solve the problems being faced in this one issue. If the issue is that of cost for the permit, he recommended that the City waive the fee for Mr. Dutra.

Council Member Sellers noted that Mr. Dutra's comments seem to imply that should the ordinance be adopted, his corral would not be sited far back enough.

City Manager Tewes said that whenever the Council changes a zone, the City cannot require a property owner who is in non conformance to comply with a new rule immediately.

Ms. Molloy Previsich said that once the ordinance is adopted, Mr. Dutra would be allowed to bring back his five goats if he has the allowable number of livestock allowed. Due to the fact that this has been an ongoing use and has been in existence, may mean that Mr. Dutra is not subject to the new development standard that a 50 foot setback for a corral be established. This is something that the Council may need to consider and take into account.

Mayor Kennedy noted that there was a fair amount of public interaction at the Planning Commission meeting. One comment was on the opposite side of the idea of leaving the ordinance as is. A speaker spoke about the negative impacts associated with animals. He wanted to get a sense of what public involvement there was at the Planning Commission level.

Ms. Molloy Previsich said that the comment pertained to roosters, noting that this is not a livestock animal or the type of animal addressed by the proposed ordinance before the Council.

Mayor Kennedy stated that the Council asked the Planning Commission to look at the ordinance and come up with recommendations; noting that they conducted a public hearing and have forwarded a recommendation to the Council. He stated his support of the changes recommended by the Planning Commission, including the setback requirement. Although the setback requirement may be difficult, as residential growth occurs and housing gets closer to where animals exist, this needs to be taken into consideration in the way the Council addresses ordinance. He felt that there were some protections built into the ordinance.

Council Member Sellers stated that he shared some of the concerns expressed by Council Member Carr, but would agree to move forward with the recommended ordinance as it includes a grandfathering provision and includes setback requirements. He agreed that this is not the Morgan Hill of 30 years ago. As the City grows, setbacks need to be sufficient as they add protection. He stated that the animal control staff would address noise and other issues.

Action: *On a motion by Council Member Sellers and seconded by Mayor Kennedy, the City Council, on a 4-0 vote with Mayor Pro Tempore Tate absent, **Waived** the Reading in Full of Ordinance No. 1714, New Series.*

Council Member Carr felt that the Council, in trying to solve a problem, may be causing more problems in the future. Whatever mechanism is put into place, he felt that it needs to be about looking at individual circumstances the City may be under; thus, his recommendation to waive the fee and provide flexibility. If this is one instance in 30 years, he felt that the City needs to look at individual circumstances; finding a way to make it work for all parties. He stated that he would prefer to retain the ordinance in place today.

Council Member Sellers felt that if there are to be problems with large animals in the future, it would be because they are adjacent to residential areas. He felt that the setback requirement would help prevent problems in the future.

Council Member Carr expressed concern that there may be a one acre homestead outside the city limits today and that some point in time, the property and surrounding properties may be incorporated into the city. Then, homes on small lots are built around this piece of properties with residents complaining about the livestock adjacent to them. He felt that this would still remain a non conforming use with the adoption of the ordinance and that the Council would not have the authority to enforce the setback and corral requirements. Therefore, the Council has not solved the problem.

Acting City Attorney Siegel indicated that if there are health and safety concerns, these concerns would not fall under zoning and would be a separate issue. As far as their existence on the property, the amendment would not change the problem, assuming no health and safety concerns exist.

City Manager Tewes did not believe that Council Member Carr's scenario would be likely to occur as the City would not annex residentially zoned property of sufficient size to allow the keeping of livestock as Measure C restricts the City's ability to annex such residentially designated properties.

Action: *On a motion by Council Member Sellers and seconded by Mayor Kennedy, the City Council **Introduced** Ordinance No. 1714, New Series, by title only, as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING TEXT AMENDMENTS TO CHAPTER 6.36 (ANIMALS AND LAND USE) OF TITLE 6 (ANIMALS) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL. (ZA-04-22: CITY OF MORGAN HILL-ACREAGE REQUIRED***

***FOR ANIMALS**), by the following roll call vote: AYES: Grzan, Kennedy, Sellers;
NOES: Carr; ABSTAIN: None; ABSENT: Tate.*

11. ZONING AMENDMENT, ZA-04-24: CITY OF MORGAN HILL-FENCE HEIGHT AMENDMENT – Ordinance No. 1715, New Series

Director of Community Development Molloy Previsich informed the Council that this ordinance amendment was initiated by staff because it realized that 15 out of 38 minor exceptions considered in the past few years were for increases in allowable fence height. She indicated that the City has received 70 complaints about fence height violations. Staff conducted research and found that many cities allow more than six feet in height for side and rear yard fences. She stated that the building code states that for fences above the six foot portion of the fence, it has to be opened to passage of wind and light. The ordinance before the Council recommends that the City allow seven feet in height with the portion above six feet to be uniformly opened to the passage of light and air, as determined by the Community Development Director. In staff's research, staff found that most cities' fence ordinances require a greater setback on the street side setback of five feet. She informed the Council that the Planning Commission is recommending that this be the standard and that it would be a good idea to make it clear that barb wire, razor wire and electric fences are to be prohibited on lots used for residential purposes. It was further recommended that the "Minor Exception" section of the zoning code be amended to give authority to the Community Development Director to increase the fence height by one foot as it is the intent to keep the fence height at a maximum of eight feet.

Mayor Kennedy said that a resident brought to his attention that they reside at the end of a cul de sac and installed a five foot fence in the front yard to prevent deer from getting into their landscaping. Under this ordinance, it appears that the maximum front fence height would be three feet.

Ms. Molloy Previsich said that the front fence standard is three feet and that a property owner can request a minor exception for an additional two feet, to a maximum of five feet in the front setback. However, this has to be approved by the Community Development Department. She clarified that this is an existing provision in the current ordinance.

Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council unanimously (5-0) **Waived** the Reading in Full of Ordinance No. 1715, New Series.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1715, New Series, by title only, as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING TEXT AMENDMENTS TO CHAPTER 18.56 (EXCEPTION AND MODIFICATIONS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL. (ZA-04-24: CITY OF MORGAN HILL-FENCE***

***HEIGHT AMENDMENT)**, by the following roll call vote: AYES: Carr, Grzan, Kennedy, Sellers; NOES: None; ABSTAIN: None; ABSENT: Tate.*

City Council Action

OTHER BUSINESS:

12. EFFECTIVE USE OF CITY COUNCIL ADVISORY BOARDS, COMMITTEES AND COMMISSIONS, INCLUDING WORKPLAN DISCUSSIONS

City Manager Tewes stated that the first part of this item is a recommendation that the Council consider the responses from two of the commissions that the Council referred specific questions to. He said that in his recommendations on the establishment of committees and commissions, he suggested a slight change in the jurisdiction of the Parks & Recreation Commission. He recommended that the Council shift some of its functions to a new Library Arts & Culture Commission. The Council asked these two commissions to review the changes. Recreation and Community Services Manager took the suggested changes to the two Commissions. He informed the Council that the two commissions agree to support the recommendations. However, they pointed out that the requirement of the adoption of a workplan by each of the commissions causes some problems for some of the commissions because of the expiration of terms. He recommended that the City Clerk explain how the City could bring the terms of the Commissions into conformity.

City Clerk Torrez informed the Council that she and Recreation and Community Services Manager Spier had the discussion about how the City could make the terms of the Commissions work, and yet allow them to participate in the development of the workplan as part of the budget process. It has been determined that should the Council allow recruitment in the months of November and December, the Council could conduct interviews in January with the Commissioners taking their respective seats in February. This timeframe would allow enough time for the full Commission, Committee and/or Advisory Boards to start planning and participate in the workplan process. She inquired whether the Council still believes a two year term sufficient for the advisory boards to perform the workplan; providing enough longevity to become seasoned commissioners. She indicated that all advisory boards have two year terms and that the Planning Commissioners are appointed to serve four years.

Recreation and Community Services Manager Spier recommended that the Youth and Advisory Committee remain as one year. Regarding the Parks & Recreation and Library Commissions, she said that it was her belief that they would prefer a three or four year appointment.

Council Member Grzan indicated that four year terms are common for commissioners.

Action: *Council Member Sellers made a motion, seconded by Council Member Grzan to **direct** staff to return with appropriate ordinance/policy amendments to change the schedule for recruitment interviews and appointments per staff's recommendation and changing the terms of office to four year appointments. The motion carried 4-0 (Mayor Pro Tempore Tate absent).*

City Manager Tewes informed the Council that the second part of this item is at the request of Council Member Grzan; a discussion on how it would like to use and work with the citizen committees and commissions. He said that issues have been raised as to whether the Council would benefit from the advice and recommendations of the Commissions on more detailed matters in order to allow the Council to consider a specific recommendation from both staff and the commissions. He felt that it would be important to discuss under what circumstances individual Council Members communicate/work with commissions, and what is expected from commissions.

Council Member Grzan felt that there have been a couple of items that have come before the Council that he felt would have benefited from having the review of an advisory group or commission currently in place. One item, in particular, that could have been referred to the Parks & Recreation Commission was the aquatics issue that came before the Council. It was his belief that these types of issues could be aired appropriately with a resolution/recommendation being forwarded to the City Council. He felt that there were certain advantages in referring matters to commissions and advisory boards (e.g., airing differences, looking for solutions in a more comfortable/less formal atmosphere, make better use of Council time, etc.). He noted that the Council considered traffic calming issues and felt that it was an appropriate item to refer to the Planning Commission. He felt that the advisory groups were highly intelligent, and that they should be allowed to do their work.

Mayor Kennedy felt that one reason items/issues are not being referred to the Council's advisory groups may be attributed to the fact the public members bring items to the Council's attention. In the case of the aquatics center, he felt that there was a time constraint. The action taken by the Council was an action that would allow staff to move forward, noting that the matter will be going to the Parks & Recreation for final resolution. He felt that the Council needs to discuss why it tends to take on some of these issues.

Council Member Sellers agreed that the Council should take advantage of its advisory groups when it can. He recommended that the Council ask its Commissions, as part of their workplans, to identify their work load and to give thought to other items that they do not undertake they believe may be appropriate under their purview. He agreed that sometimes there are time constraints to address certain issues. He said that it would be helpful to have Planning Commission recommendations relating to speed bumps. However, because there is an expenditure associated with traffic calming measure, the Council was obliged to undertake the final discussion, and determine where the funds are to come from. He expressed concern that should the Commissions' scope of work expand significantly; it may result in citizens becoming less inclined to be part of an advisory group. If so, this would be self defeating. To the extent that commissions are willing to undertake additional work, he felt that the Council may be able to encourage participation.

Council Member Grzan said that he has heard from a few commission members that the Council was becoming too involved in projects that should be in front of them. Some commissioners feel that this is their job and that the Council is taking their job away from them, making them feel less valuable in this regard. He supported giving the advisory commissions the ability to participate and provide feedback to highly visible projects that have significant implications.

Mayor Kennedy suggested that the Council collectively decide how or when the Council refers items to boards, commissions and/or committees. He inquired as to the criteria the Council would use to decide when to refer an item to a committee or commission.

Council Member Grzan recommended that almost every item go before the boards and commissions before coming before the Council.

Council Member Sellers said that if the work plans are structured the right way, the Council will know what items to refer to them. The Council could also state what items would be added to the scope of work of the boards and commissions before coming to the Council.

Council Member Carr felt that most of this has to do with the Council's action, how it is to operate in the future, and its comfort level. He noted that the aquatics center was largely handled by the Council because it drove the process in a manner that it could not wait for the next Parks & Recreation Commission meeting, or await for a recommendation to be forwarded to the Council. In the future, if patience is allowed, the Council could better utilize its commissions.

Council Member Grzan noted that in a week or two, the Council will be taking a look at recommendations for the community center (e.g., upgrades to doors, carpets, etc.). He said that the restructuring of the community center would be an appropriate use of the commissions. He felt that utilizing the boards and commissions make his time, as a Council member, more efficient and make the decision making process easier.

Mayor Kennedy inquired whether it made sense for the Parks & Recreation Commission to review the changes and additions to the community and cultural center before coming before the Council.

City Manager Tewes said that it is the Council's prerogative whether it believes it can benefit from another set of eyes reviewing the changes and additions. He indicated that both the Planning and Parks & Recreation Commissions have the responsibility for seeing and recommending the annual capital improvement programs (CIP). These recommendations will come to the Council in the CIP program. Therefore, these items will be before these two commissions as part of a larger set of capital investments. He said that staff has heard from the Council that it should look for opportunities, when there is time, to submit issues to the commissions for their review and advisory recommendation to the Council, along with staff's recommendation. He said that it is his sense that the most important time to be spent on this issue is in reviewing the workplans of the various boards, commission and committees. He did not recommend the Council simply rubber stamp the workplans that will come before the Council. This is where the Council should spend its quality policy time.

Action: *No action taken.*

13. CONSIDERATION OF COUNCIL'S 2005 GOALS

City Manager Tewes indicated that last week, staff presented a draft of the Council's 2005 policies and goals that reflect the actions considered at its retreat. As part of last week's discussions, the Council made a number of suggestions, requesting that he bring these items back for its consideration. He highlighted the changes requested by the Council. He recommended that the Council adopt the goals, should the Council concur with the changes made.

Council Member Sellers indicated that two items have started to emerge from Sacramento: 1) The League of California Cities has started to actively recommend member cities give consideration to tax measures. They are recommending that a long term approach be taken to the consideration of these measures. He said that a model that has been traditional used by school districts and other jurisdictions, but not by cities, is to retain consultants at the front end to assist in this process (e.g., polling consultants and campaign, policy, government relations consultant). He felt that it was important to keep this in mind in the implantation of a budget policy. 2) He is starting to hear more and more that Redevelopment Agencies will be a focus. He said that the League is pointing out that Redevelopment Agencies are being threatened in ways they have not been seen in the past. He felt that the Council needs to continue to actively monitor these as part of the process. Should the City be precluded from extending the Redevelopment Agency, there would be several things that would start to take place. He said that these two issues were comments more than a request for modification to the policies.

Mayor Kennedy referred to page 3, civic engagement and the process for building community consensus that he is tasked with presenting in July. He felt that this goal overlaps with the issue of new financing measures for the City. The question is what is important to the residents, what services do they want, and whether they were willing to pay for these services. He felt that the financial strategy for the future of the City, the future of the RDA, and involving the public in the process, are all intertwined. He noted that Council Member Carr and Mayor Pro Tempore Tate serve on the Financial Policy Committee. He did not know how the Council would merge the different ideas together, bringing together the reports from the different committees. He said that it may be a matter of having a Council meeting/workshop where the Council focuses on all of the information with respect to the RDA, and the financial strategy of the City's future, as well as involving the public in the process.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Action: *On a motion by Council Member Sellers and seconded by Council Member Grzan, the City Council, on a 4-0 vote with Mayor Pro Tempore Tate absent, **Adopted** the revised 2005 goals as presented by the City Manager.*

Mayor/Chairman Kennedy announced that the Dayworker Committee is holding a fundraiser dinner/dance on March 5 at 5:30 p.m. at St. Catherine's Church.

FUTURE COUNCIL-INITIATED AGENDA ITEMS

No items were identified.

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 8:47 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, CITY CLERK/AGENCY SECRETARY